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OFFICE OF PETITIONS

In re Application of
Jered Donald Aasheim, et. al.
Application No. 10/087,672
Filed: February 27, 2002
Attorney Docket No. 183343.01

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on January 21, 2009, to revive the above-identified application.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Mark F. Niemann appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The application became abandoned for failure to respond to the Notice of Allowance and Fee(s) Due mailed July 25, 2008. A Notice of Abandonment was mailed on November 19, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$1,510 for payment of the issue fee and \$300 for payment of the publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

Since the statement contained in the present petition varies from the language required by 37 CFR 1.137(b)(3) and it is not apparent whether the statement is signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, the statement is being construed and accepted as constituting a certification of the unintentional delay. However, if petitioner discovers that the delay was intentional, petitioner must notify the Office immediately.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions